



Song 4/6/04

GP 3739

PATENT
Attorney Docket No. 0320-0018

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Michael D. Hooven, et al.

Serial No.: 10/015,862

Filed: December 12, 2001

Group Art No.: 3739

Examiner: Rosiland S. Kearney

For: TRANSMURAL ABLATION DEVICE
WITH SPRING LOADED JAWS

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NAME May I. Casimiro

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2. Fifth Supplemental IDS (3 sheets);
3. PTO/SB/08A (7 sheets);
4. 1 U.S. Patent;
5. \$180.00 IDS fee, Check No. 16468;
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Name: May I. Casimiro

Signature: *May Casimiro*



TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/015,862
	Filing Date	December 12, 2001
	First Named Inventor	Michael D. Hooven
	Art Unit	3739
	Examiner Name	Rosiland S. Kearney
Total Number of Pages in This Submission *	Attorney Docket Number	0320-0018

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<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Gary W. McFarron, Esq.
Signature	<i>Gary W. McFarron</i>
Date	April 5, 2004

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Signature	<i>May I. Casimiro</i>	Date	April 5, 2004

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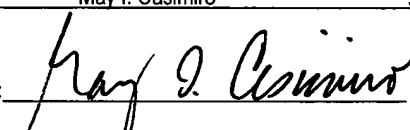
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Name:	<u>May I. Casimiro</u>
Signature:	

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Alexandria, VA 22313-1450

FIFTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 C.F.R. §1.97, Applicant hereby calls the Examiner's attention to the document (U.S. Patent No. 6,126,658) listed on the attached form, which document may be material to the examination of this application. A copy of this document is enclosed herewith for the Examiner's consideration.

Applicant also calls the Examiner's attention to documents listed on pages 2-3, 4, and 9-11 of the attached PTO/SB/08A form. These pages were previously submitted with an Information Disclosure Statements mailed May 17, 2002, and September 10, 2003. However, the Examiner's Office Actions, mailed December 14, 2002, and October 13, 2003, did not include copies of these

04/07/2004 ZJUHR1 0000063 10015862 180.00 DP
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pages with the Examiner's initials indicating that these pages have been considered. Therefore, applicants are resubmitting these pages for the Examiner's attention. A copy of each of these documents was provided either in U.S. Patent Application Serial No. 10/032,378, filed October 26, 2001, or in U.S. Patent Application Serial No. 09/747,609, filed December 22, 2000, now issued patent 6,546,935, which are relied upon for an earlier effective filing date. Accordingly, copies are not enclosed, but such copies can be provided to the Examiner upon request to the undersigned attorney.

No inference should be drawn that any apparatus or method disclosed is equivalent to the subject invention. Also, the citation of the above-discussed documents is not to be construed as an assertion that more pertinent art could not possibly be in existence. Citation of any document herein is not to be construed as an admission that any subject matter disclosed in the document is necessarily within the inventive field of endeavor, that any disclosure is necessarily prior in time to a particular date which may be relevant to the instant patent application, and/or that any disclosure is otherwise necessarily prior art with respect to the instant invention.

Applicant also respectfully reserves the right to later set forth how the instant invention is distinguished over the


disclosure of any document or other art, including the disclosure of those documents discussed herein, that may be cited by the Examiner in rejecting a claim in the present patent application.

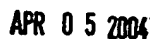
This information disclosure statement is being filed after the first office action but before the mailing date of any final action, a notice of allowance, or an action that otherwise closes prosecution in the application and it is accompanied by a check in the amount of \$180.00.

Respectfully submitted,

Date: April 5, 2004

By:


Gary W. McFarron, Esq.
Registration No. 27,357
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Application Number	10/015,862
Filing Date	December 12, 2001
First Named Inventor	Michael D. Hooven
Art Unit	3739
Examiner Name	Rosiland S. Kearney
Attorney Docket Number	0320-0018

Sheet	1	of	1
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U. S. PATENT DOCUMENTS

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FOREIGN PATENT DOCUMENTS

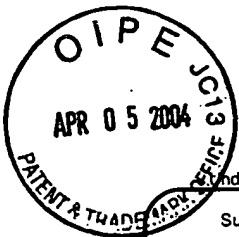
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Examiner Signature		Date Considered	
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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

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Sheet 2 of 3**Complete if Known**

Application Number	10/015,862
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First Named Inventor	Michael D. Hooven
Art Unit	3739
Examiner Name	Rosiland S. Kearney
Attorney Docket Number	0320-0018 (HOOV 118)

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	21	US- 2002/0107513 A1	08-08-2002	Hooven, Michael D.	
	22	US- 2002/0103484 A1	08-01-2002	Hooven, Michael D.	
	23	US- 2002/0091384 A1	07-11-2002	Hooven, Michael D.	
	24	US- 2002/0091383 A1	07-11-2002	Hooven, Michael D.	
	25	US- 2002/0091382 A1	07-11-2002	Hooven, Michael D.	
	26	US- 2002/0032440 A1	03-14-2002	Hooven, Michael D.	
	27	US- 2001/0031961 A1	10-18-2001	Hooven, Michael D.	
	28	US- 6,488,680	12-03-2002	Francischelli et al.	
	29	US- 6,267,761	07-31-2001	Ryan	
	30	US- 6,273,887	08-14-2001	Yamauchi et al.	
	31	US- 6,296,640	10-02-2001	Wampler et al.	
	32	US- 6,391,024	05-21-2002	Sun et al.	
	33	US- 2001/0039419 A1	11-08-2001	Francischelli et al.	
	34	US- 6,277,117	08-21-2001	Tetzlaff et al.	
		US-			
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FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
	35	WO 01/82812 A1	11-08-2001	Medtronic, Inc.		
	36	WO 01/82813 A2	11-08-2001	Medtronic, Inc.		
	37	WO 01/82813 A3	11-08-2001	Medtronic, Inc.		

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LIST OF PUBLICATIONS
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Attorney Docket No.
HOOV 118

Serial No.
10/015,862

Applicant
Michael D. HOOVEN, et al.

Filing Date
December 12, 2001

Group
3762

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE
	5,562,721	10/08/96	Marchlinski et al	607	99	05/10/95
	5,564,440	10/15/96	Swartz et al	128	898	11/03/94
	5,582,609	12/10/96	Swanson et al	606	39	08/08/94
	5,587,723	12/24/96	Otake et al	345	118	04/13/94
	5,595,183	01/21/97	Swanson et al	128	697	02/17/95
	5,599,350	02/04/97	Schulze et al	606	51	04/03/95
	5,611,813	03/18/97	Lichtman	606	205	04/28/95
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	5,642,736	07/01/97	Avitall	128	772	08/19/96
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	5,672,174	09/30/97	Gough et al	606	41	01/16/96
	5,674,220	10/07/97	Fox et al	606	51	09/29/95
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	5,687,737	11/18/97	Branham et al	128	710	10/31/94
	5,688,270	11/18/97	Yates et al	606	51	01/18/95
	5,690,611	11/25/97	Swartz et al	604	53	11/14/94
	5,693,051	12/02/97	Schulze et al	606	51	04/12/95
	5,697,925	12/16/97	Taylor	606	34	06/09/95

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	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE
	WO 97/32525	09/12/97	Cardiac Pathways Corp.			11/04/96
	WO 99/44519	09/10/99	Atrionix, Inc.			03/02/99
	WO 99/59486	11/25/99	New England Medical Ctr.			05/20/99
	WO 00/21449	04/20/00	Levin, J.M.			10/09/98

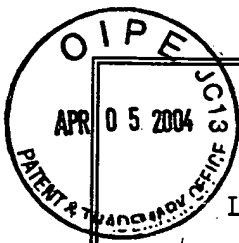
OTHER PUBLICATIONS

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	5,980,516	11/09/99	Mulier et al	606	41	03/09/98
	5,980,517	11/09/99	Gough	606	41	03/25/98
	5,984,281	11/16/99	Hacker et al	261	71	12/08/97
	5,997,533	12/07/99	Kuhns	606	41	01/30/98
	6,010,516	01/04/00	Hulka	606	148	03/20/98
	6,010,531	01/04/00	Donlon et al	623	2	01/31/96
	6,012,457	01/11/00	Lesh	128	898	07/08/97
	6,013,074	01/11/00	Taylor	606	34	12/15/97
	6,016,809	01/25/00	Mulier et al	128	898	10/09/97
	6,017,358	01/25/00	Yoon et al	606	205	05/01/97
	6,023,638	02/08/00	Swanson	600	510	05/22/98
	6,024,740	02/15/00	Lesh et al	606	34	07/08/97
	6,024,741	02/15/00	Williamson, IV et al	606	40	03/05/97
	6,030,403	02/29/00	Long et al	606	185	03/18/99
	6,036,670	03/14/00	Wijeratne et al	604	96	12/23/97
	6,039,731	03/21/00	Taylor et al	606	34	10/29/98
	6,039,733	03/21/00	Buysee et al	606	40	06/25/98
	6,039,748	03/21/00	Savage et al	606	180	08/05/97
	6,047,218	04/04/00	Whayne et al	607	122	04/23/99
	6,048,329	04/11/00	Thompson et al	604	95	10/30/97
	6,110,098	08/29/00	Renirie et al	600	16	12/18/96

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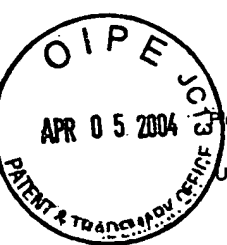
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				Filing Date	December 12, 2001
				First Named Inventor	Michael D. Hooven, et al.
				Group Art Unit	3762
Sheet	10	of	12	Examiner Name	
				Attorney Docket Number	HOOV 118

U.S. PATENT DOCUMENTS						
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		Number	Kind Code ² (if known)			
	1	1,127,948		R. H. Wappler	02/09/1915	
	2	5,009,661		Michelson	04/23/1991	
	3	5,044,947		Sachdeva et al.	09/03/1991	
	4	5,242,458		Bendel et al.	09/07/1993	
	5	5,254,130		Johnson	04/26/1994	
	6	5,452,733		Sterman et al.	09/26/1995	
	7	5,571,215		Sterman et al.	11/05/1996	
	8	5,575,766		Swartz et al.	11/19/1996	
	9	5,587,723		Otake et al.	12/24/1996	
	10	5,814,028		Swartz et al.	09/29/1998	
	11	6,161,543		Cox et al.	12/19/2000	
	12	6,237,605		Vaska et al.	05/29/2001	
	13	6,311,692		Vaska et al.	11/06/2001	
	14	6,314,962		Vaska et al.	11/13/2001	
	15	6,314,963		Vaska et al.	11/13/2001	
	16	5,306,234		Johnson	04/26/1994	
	17	5,776,130		Buvsse et al.	07/07/1998	
	18	5,562,699		Heimberger et al.	10/08/1996	

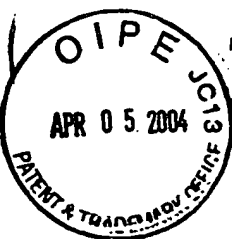
FOREIGN PATENT DOCUMENTS								
Examiner Initials ¹	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵ (if known)				
	19	EP	0 450 608	A1	Richard Wolf GmbH	10/09/1991		
	20	PCT	WO 93/25267	A1	Mir A. Imran	12/23/1993		
	21	PCT	WO 97/10764	A1	Valleylab, Inc.	03/27/1997		
	22	PCT	WO 92/05828	A1	Raychem Corporation	04/16/1992		
	23	DE	43 13 903	C1	Olympus Winter & Ibe GmbH	09/15/1994		

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¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet

11

of

12

Complete if Known

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First Named Inventor	Michael D. Hooven, et al.
Group Art Unit	3762
Examiner Name	
Attorney Docket Number	HOOV 118

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials ¹	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	24	YOSHIO KOSAKAI, M.D., ET AL., "Cox Maze Procedure for Chronic Atrial Fibrillation Associated with Mitral Valve Disease," THE JOURNAL OF THORACIC AND CARDIOVASCULAR SURGERY, 1994; Vol. 108, No. 6, pp. 1049-1055.	
	25	Ki-Bong Kim, M.D., ET AL., Abstract "The Cox-Maze III Procedure for Atrial Fibrillation Associated with Rheumatic Mitral Valve Disease," THE ANNALS OF THORACIC SURGERY, 2000; pp. 1-5.	
	26	HIROSHI NAKAGAWA, ET AL., Abstract, "Creation of Long Linear Transmural Radiofrequency Lesions in Atrium Using a Novel Spiral Ribbon - Saline Irrigated Electrode Catheter," JOURNAL OF AMERICAN COLLEGE OF CARDIOLOGY, February, 1996.	
	27	TAIJIRO SUEDA, ET AL., "Efficacy of a Simple Left Atrial Procudure for Chronic Atrial Procedure for Chronic Atrial Fibrillation in Mitral Valve Operations," THE ANNALS OF THORACIC SURGERY, 1997, Vol. 63, pp. 1070-1073.	
	28	Re: DR. ADAM E. SALTMAN, New Program in Surgical Electrophysiology Established," Interet Website of Departmental News, Dept. of Surgery, University Hospital & Medical Center, Stony Brook State University of New York (www.informatics.synysb.edu/surgery/electro-news.html); 2000, pp. 1-2.	
	29	MIEN-CHENG CHEN, M.D., ET AL., "Radiofrequency and Cryoablation of Atrial Fibrillation in Patients Undergoing Valvular Operations," ANALS OF THORACIC SURGERY, 1998:65:1666-1672.	
	30	ARIF ELVAN, M.D., ET AL., Abstract, "Radiofrequency Catheter Ablation of the Atria Reduces Inducibility and Duration of Atrial Fibrillation in Dogs," CIRCULATION, 1995:91:2235-2244.	
	31	WARREN M. JACKMAN, M.D., ET AL., "Radiofrequency Current Directed Across the Mitral Anulus With a Bipolar Epicardial-Endocardial Catheter Electrode Configuration in Dogs," CIRCULATION, 1988; Vol. 78, No. 5, pp. 1288-1297.	
	32	James L. Cox, M.D., Ed., "Seminars in Thoracic and Cardiovascular Surgery: The Maze Procedure for Atrial Fibrillation," 2000, Vol. 12, No. 1.	
	33	LAURAN NEERGAARD, "Slicing a Heart to Make It Beat," Article from THE ASSOCIATED PRESS, March 26, 1998 Website (www.nando.com/newsroom/ntr/health/032698/health24_22737_body.html).	

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